

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 17, 2010

\_\_\_\_\_  
No. 09-70019  
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Lyle W. Cayce  
Clerk

QUINTIN PHILLIPPE JONES,

Petitioner - Appellant

v.

RICK THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent - Appellee

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Texas  
No. 4:05-CV-638  
\_\_\_\_\_

Before HIGGINBOTHAM, DENNIS, and ELROD, Circuit Judges.

PER CURIAM:\*

This appeal concerns the application of equitable tolling under the Antiterrorism and Effective Death Penalty Act.<sup>1</sup> Jones contends that his failure to timely file a federal habeas petition should be excused as his attorney's conduct was so deficient as to amount to an extraordinary circumstance

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

<sup>1</sup> See 28 U.S.C. § 2244(d)(1)(A).

No. 09-70019

warranting tolling. The district court dismissed his petition, finding that under this court's jurisprudence, Jones was not entitled to tolling and that therefore his petition was time-barred. The Supreme Court recently spoke to the issues raised in this case in its opinion in *Holland v. Florida*.<sup>2</sup> In order to permit the district court first consideration of Jones's petition in light of the Court's holding in *Holland*, we VACATE and REMAND.

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<sup>2</sup> *Holland v. Florida*, No. 09-5326 (U.S., June 14, 2010).